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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/910,462

07/20/2001

Karim Maskatiya

021110-000200US

1742

20350 7590 03/09/2007
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EXAMINER

OYEBISI, OJO O

ART UNIT

PAPER NUMBER

3692

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/910,462	Applicant(s) MASKATIYA ET AL.	
	Examiner OJO O. OYEBISI	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/04/2007 has been entered. In the RCE filed on 01/04/07, the following have occurred: claims 1-5, 7-8, and 10 have been amended, and new claims 11-12 have been added, leaving claims 1-5 and 7-12 pending in the application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Martinez (US PAT: 5,208,446).

Re claims 1, 2, 11. Martinez discloses the method of delivering at least one item or service from a provider to a receiver the method comprising: receiving an order for at least one item or service with available from the provider and providing an order identifier in response thereto, obtaining the order identifier from the receiver at substantially at the time of delivery (see fig.1, also see col.1 lines 35-65, see col.2 lines 45-65), providing information regarding the order identifier obtained at the time of

delivery to a financial processor (i.e., host computer, see col.3 lines 30-50); in response to the information regarding the order identifier being provided to the financial processor, providing payment for the at least one item or service from the financial processor to the provider (i.e., see col.3 lines 10-67), and in response to payment being provided to the provider, delivering the at least one item or service to the receiver (see col.5 lines 30-40).

Re claim 3. Martinez further discloses a method in accordance with claim 1 wherein information regarding the order identifier is provided to the financial processor substantially immediately upon receipt at the time of delivery (see the abstract).

Re claim 4. Martinez further discloses a method in accordance with claim 1 wherein the at least one piece of data is provided to the financial processor with other pieces of data from other transactions (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50)

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Re claims 5, 11. Martinez further discloses a system for delivering at least one item or service from a provider to a receiver (see abstract), the system comprising: a provider of at least one of an item or a service; a deliverer; a financial processor; at least one communication channel for providing communication between the provider, the deliverer, the financial processor and receivers of the at least one of an item or a service (see fig.1-4); and a data gathering device for transmitting data about the order identifier obtained by the deliverer at substantially a time of delivery of the at least one of an item or service to at least one of the provider and the financial processor (see fig.1-4, also see col.3 lines 18-67), **whereby payment is provided for the at least one of an item or service in response to the transmitted data being provided to at least one of the financial processor and the provider and delivery is contingent upon said payment being provided** (see abstract, see col.3 lines 18-50, also see col.5 lines 25-40, see col.3 lines 10-67).

Re claim 7. Martinez further discloses a method for obtaining payment for an item or service near the time of delivery, comprising: obtaining an order identifier from the intended recipient of at least one of an item and a service at substantially a time of delivery for the item or service (see abstract), the order identifier being received by the intended recipient in response to an order for the at least one of an item and a service; providing information about the obtained order identifier to one of a financial processor and a provider of the item or service (see col.3 lines 30-50); receiving a determination as to whether payment for the item or service is at least one of approved and accepted based on the information about the obtained order identifier (see col.3 line 40-

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col.4 line 45, also see col.5 lines 20-40); and delivering file item or service to the intended recipient when the received determination indicates that payment for the item or service is at least one of approved and accepted (see the abstract, also see col.5 lines 30-41).

Re claim 8. Martinez further discloses a method according to claim 7, wherein:

obtaining an order identifier includes obtaining at least one piece of data selected from the group consisting of a purchase order number, and a purchase order-type document (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50).

Re claim 9. Martinez further discloses a method according to claim 7, further comprising: returning the item or service undelivered when the received determination indicates that payment for the item or service is not at least one of approved and accepted (see col.5 lines 30-40).

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Re claim 10. Martinez further discloses a method according to claim 7, wherein: providing the obtained identifying information to one of a financial processor and a provider of the item or service includes transmitting the information about the obtained order identifier to one of a financial processor and a provider of the item or service at substantially the time of delivery (see abstract, also see col.3 lines 30-50).

Response to Arguments

3. Applicant argues in substance that the prior art of record, Martinez, requires the use and providing of credit information for real-time authorization, and does not disclose or suggest the order identifier-based approach. Contrary to the applicant's assertion, the examiner asserts that the order identifier mentioned by the applicant is a form of data received at a certain time in the past and transmitted in real-time upon verification to the back-end for transaction settlement. Martinez teaches a method and apparatus for the home delivery of goods which, after a delivery person has left his vehicle, utilizes data entered by the delivery person at the door of the residence of the recipient of the goods, utilizes an airborne transmission of the data entered, and utilizes a cellular telephone line to contact a host computer to validate credit information provided the delivery person by the recipient of the goods, see col.1 lines 50-60. Thus, since order identifier is a form of data, and since Martinez utilizes an airborne transmission of the data entered, and utilizes a cellular telephone line to contact a host computer to validate credit information provided the delivery person by the recipient of the goods, it is clear that Martinez can be adapted to obtain order identifier from the receiver at substantially at

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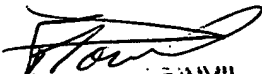
the time of delivery and send this information in real-time to a financial processor for a transaction settlement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


FRANTZY POINVIL
PRIMARY EXAMINER
Art 3692